

REMARKS

Claims 1 – 12 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended to more clearly define the invention. The bases for the amendment can be found at page 1, lines 21 – 30 and at page 7, lines 26 – 30.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 103

Claims 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, and 12 are rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 5,025,910 to Lasure et al. in view of US Patent No. 6,450,321 to Blumethal et al. The Office Action states that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a spacing apparatus, as taught by Blumental, that spaces workpieces from a first pitch to a second pitch for the purpose of providing for a means to receive discrete parts traveling at a first pitch and apply the parts to the turning apparatus with an ensured appropriate second pitch in order to facilitate transfer.

Applicants traverse the rejection in view of the amended Claim 1.

Claim 1, as amended, should be allowed because the prior art references do not teach or suggest all the limitation of Claim 1, as amended. (Section 706.02(j) of the MPEP) Specifically, U.S. Patent No. 5,025,910 to Lasure et al. is silent with respect to the turning apparatus it discloses as having a second pitch capable of changing by a radial movement of the transferring devices. Indeed, this limitation of the apparatus disclosed in U.S. Patent No. 5,025,910 to Lasure et al. is specifically disclosed by the applicants in the BACKGROUND OF THE INVENTION of the instant patent application at page 1, lines 21 – 35 (emphases added):

“For example, one method of spacing and turning of pads is disclosed in U.S. Patent No. 5,025,910 issued on June 25, 1991. Although the disclosed method is capable of handling different pads of different width and length without making any mechanical changes or adjustments in the machine before switching from handling one pad size to another, the disclosed method is only capable of spacing the pads at a particular, fixed pitch for which a particular machine is designed and, thus, is not capable of spacing the pads at a variable-pitch range.

Because of the fixed-pitch limitation, the production of disposable absorbent articles can often include a multiplicity of pitch-dedicated machines, thus, resulting in a high capital cost, high maintenance cost, high "change over" cost for changing from one pitch to another, and the like.

Therefore, a method capable of providing variable-pitch spacing and turning of the work pieces in production of disposable absorbent articles would be beneficial to reduce the above cost-related problems. Furthermore, it would be beneficial for the above method being capable or performing the above steps in reverse, i.e. turning and variable pitch-spacing."

Accordingly, Claim1, as amended, should be allowed. Claims 2 – 12 depend from Claim 1, and, thus, include the same amended limitation, and, therefore, should be also allowed.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 103. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 - 12.

Respectfully submitted,
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